

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                         |   |                  |
|-------------------------|---|------------------|
| TAVARIS L. MOSS,        | ) |                  |
|                         | ) |                  |
| Plaintiff,              | ) |                  |
| vs.                     | ) | NO. CIV-11-154-D |
|                         | ) |                  |
| JOHN MIDDLETON, et al., | ) |                  |
|                         | ) |                  |
| Defendants.             | ) |                  |

**ORDER**

Plaintiff, who appears *pro se*, brought this action pursuant to 42 U. S. C. § 1983, alleging his constitutional rights were violated during his confinement at Cimarron Correctional Facility in Cushing, Oklahoma. Pursuant to 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Robert E. Bacharach for initial proceedings.

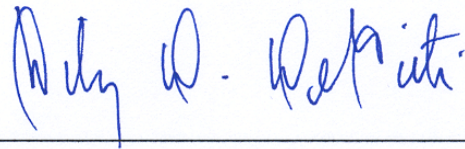
Plaintiff filed a motion seeking a temporary restraining order [Doc. No. 27]. Subsequently, he filed a motion [Doc. No. 36] asking the Court to “answer” that motion. On July 1, 2011, the Magistrate Judge filed a Report and Recommendation [Doc. No. 37] in which he recommended denying the motion for a temporary restraining order. He construed Plaintiff’s motion [Doc. No. 36] requesting an “answer” as asking the Court to rule on the temporary restraining order request.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the findings and conclusions set forth therein, and he scheduled a July 18, 2011 deadline for filing such objections. He also expressly cautioned the parties that their failure to timely file objections would result in a waiver of the right to appellate review of the matters determined in the Report and Recommendation.

The deadline for filing objections has expired, and Plaintiff has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. No other party has

filed an objection. Therefore, the Report and Recommendation [Doc. No.37] is adopted as though fully set forth herein. Plaintiff's motion for an "answer" [Doc. No. 36], construed as a request for a ruling on the motion for a temporary restraining order, is rendered moot because this Order constitutes the requested ruling. For the reasons set forth in the Report and Recommendation, the motion [Doc. No. 27] for a temporary restraining order is denied. This case remains under referral to United States Magistrate Judge Robert E. Bacharach.

IT IS SO ORDERED this 3<sup>rd</sup> day of August, 2011.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE